

1-17-02 EXPRESS MAIL LABEL NO. EV053213413US  
DATE OF DEPOSIT: January 14, 2002

01/14/02

BOX PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

971 U.S. PRO  
046955  
01/14/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**Transmitted herewith for filing is the continuing patent application of:**

**Inventor(s):** Christine J. Morrison, Errol Reiss, Liliana Aidorevich, Jong Soo Choi

**For:** NUCLEIC ACIDS FOR DETECTING *ASPERGILLUS* SPECIES AND OTHER FILAMENTOUS FUNGI

**Enclosed are:**

- 36 pages of specification, 7 pages of claims
- 4 pages of an Oath or Declaration and Power of Attorney
  - Newly executed (original or copy)
  - A copy of oath or declaration filed with the prior application (37 C.F.R. § 1.63(d))
    - The inventors to be deleted are set forth on a separate sheet attached hereto
- Four (4) assignment documents of the invention to: The Government of the United States of America as represented by the Secretary, Department of Health and Human Services, c/o Centers for Disease Control and Prevention, Office of Technology Transfer, four (4) Recordation Cover Sheets, and a Recordal fee of \$160.00
- 37 C.F.R. § 3.73(b) Statement as filed in the prior application (37 C.F.R. § 1.63(d))
- English Translation Document
- Substitute Power of Attorney and Change of Correspondence Address as filed in the prior application
- Preliminary Amendment with Marked-Up Version of the Specification and Claims Information Disclosure Statement.
- Form PTO-1449.
- A copy of a petition for extension of time, which is a separate paper being filed in a prior application.

### Continuing Application:

- Continuation
- Divisional
- Continuation-in-part (CIP)

**Information from Prior Application:**

Prior Application Number: 09/423,233  
Examiner: Jeanine Enewold Goldberg  
Art Unit: 1655

Please enter the preliminary amendment prior to calculation of fees. The fee has been calculated as shown below.

| FILING FEE                   |                 |                    |                 |          |             |
|------------------------------|-----------------|--------------------|-----------------|----------|-------------|
| For                          | Claims<br>Filed | Number<br>allotted | Number<br>Extra | Rate     | Basic Fee   |
| Total Claims                 | 17              | 20                 | = 0             | \$18.00  | \$ 0.00     |
| Independent Claims           | 7               | 3                  | = 4             | \$84.00  | \$ 336.00   |
| Multiple Dependent Claim Fee |                 |                    |                 | \$280.00 |             |
| TOTAL FILING FEE             |                 |                    |                 |          | \$ 1,076.00 |

- A check in the amount of \$1,236.00 to cover  filing fee and  assignment recordal fee is enclosed.
- Assignee for this application is or will be The Government of the United States of America as represented by the Secretary, Department of Health and Human Services, c/o Centers for Disease Control and Prevention, Office of Technology Transfer, and applicants request that this information be listed on the published application.
- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
- The Director is hereby authorized to charge any additional fees which may be required in connection with the filing of this application and recording any assignment filed herewith, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By William D. Noonan  
William D. Noonan, M.D.  
Registration No. 30,878

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
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Facsimile: (503) 228-9446

cc: Docketing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Application No. 09/423,233

Filed: June 27, 2000

For: NUCLEIC ACIDS FOR DETECTING ASPERGILLUS  
SPECIES AND OTHER FILAMENTOUS FUNGI

Date: November 10, 2000

**SUBSTITUTE POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Dear Sir:

The assignee of record, the Government of the United States of America, as  
Represented by the Secretary, Department of Health and Human Services (Reel 011016,  
Frames 0538-0540, recorded on July 28, 2000; Reel 011016, Frames 0569-0571, recorded on  
July 28, 2000; Reel 011017, Frames 0893-0895, recorded on July 28, 2000; and Reel 011017,  
Frames 092500927, recorded on July 28, 2000) hereby revokes all former Powers of Attorney  
and appoints as its representatives to conduct all business in the Patent and Trademark Office  
connected therewith the attorneys and agents identified as Customer No. 24197



**24197**

all of the law firm of Klarquist Sparkman Campbell Leigh & Whinston, LLP, 121 SW  
Salmon Street, Suite 1600, Portland, Oregon 97204.

Please address all correspondence to William D. Noonan, M.D. at:

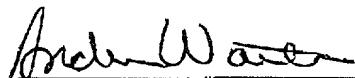
**KLARQUIST SPARKMAN CAMPBELL LEIGH & WHINSTON, LLP**  
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The recorded Assignment referred to in this Substitute Power of Attorney has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the assignee.

The Centers for Disease Control and Prevention Technology Transfer Office has been duly delegated responsibility for such patent matters under the authority of the memorandum dated January 31, 1997, from Donna E. Shalala, the Secretary of the Department of Health and Human Services, delegating the authority to the Heads of the Public Health Service Operating Divisions, as well as a memorandum dated October 12, 2000, from Jeffrey P. Koplan, M.D., M.P.H., the Director of the Centers for Disease Control and Prevention (who is a Head of a Public Health Service Operating Division), delegating authority to sign this Power of Attorney to the Associate Director for Science and the Director of the Technology Transfer Office of the Centers for Disease Control and Prevention. The undersigned is authorized to exercise such authority in this matter.

Executed on 20 Nov 2000, at Atlanta, Georgia.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES



Andrew Watkins  
Director, Technology Transfer Office  
Centers for Disease Control and  
Prevention (CDC)  
1600 Clifton Road NE (E67)  
Atlanta, GA 30333  
(404) 639-6270

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Morrison et al.  
Application No. 09/423,233  
Filed: June 27, 2000  
For: NUCLEIC ACIDS FOR DETECTING  
ASPERGILLUS SPECIES AND OTHER  
FILAMENTOUS FUNGI  
Examiner: J. Enewold  
Date: December 8, 2000

Art Unit: 1655

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on December 8, 2000 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

*William D. Noonan*

William D. Noonan, M.D.  
Attorney for Applicant

TO THE COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**CHANGE OF CORRESPONDENCE ADDRESS**

Dear Sir or Madam:

Please address all future correspondence in the above-identified application to:

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Respectfully submitted,

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